

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 70692

Calvin Davenport
Vickie Davenport

414 Fairmount Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 16, 2009 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 428, failure to cease outside storage of all unlicensed/inoperative motor vehicles on residential property zoned DR 10.5 known as 414 Fairmount Avenue, 21286.

On December 6, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Jeff Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$8,400.00 (eight thousand four hundred dollars).

The following persons appeared for the Hearing and testified: Vickie Davenport, Respondent and, Jeff Radcliffe, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 5, 2009 for removal of untagged/inoperative motor vehicles, remove open dump/junk yard, remove trash and debris. This Citation was issued on December 6, 2009.

B. Inspector Jeff Radcliffe testified that after the Correction Notice was issued, most of the junk and debris was removed but unlicensed vehicles remain on the property. Photographs in the file show a yellow box truck, a green Infiniti sedan, and a gray Oldsmobile all without valid tags. A yellow Monte Carlo car lacks lights and wipers and appears to be inoperative. Re-inspection prior to this Hearing found the vehicles still on the property.

C. Respondent Vicky Davenport testified that the vehicles are being removed and that all violations will be corrected within the next week.

D. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have exceeded this limitation. Respondents must put valid tags on the vehicles and make them operable, or remove them from the property.

E. Because compliance is the goal of code enforcement, the civil penalty will be rescinded or reduced if the violation is corrected within the time provided below. If the violation is not corrected, the full civil penalty shall be imposed, Respondent will be subject to additional Citation, and the County will be authorized to remove the untagged vehicle, at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by December 30, 2009.

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violation continues after December 30 and is corrected before January 15, 2010.

IT IS FURTHER ORDERED that after January 15, 2010, the County may enter the property for the purpose of removing untagged vehicles, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 23rd day of December 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

